

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 029a WO Hf-msp	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP 03/13265	International filing date (day/month/year) 11/26/2003	Priority date (day/month/year) 12/03/2002
International Patent Classification (IPC) or national classification and IPC F16C29/02		
Applicant ZF LENKSYSTEME GMBH et al.		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3.	This report is also accompanied by ANNEXES, comprising: <div style="margin-left: 20px;"> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>3</u> sheets, as follows:</p> <div style="margin-left: 20px;"> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> </div> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> </div>

4. This report contains indications relating to the following items:	
<input checked="" type="checkbox"/>	Box No. I Basis of the report
<input type="checkbox"/>	Box No. II Priority
<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI Certain documents cited
<input type="checkbox"/>	Box No. VII Certain defects in the international application
<input type="checkbox"/>	Box No. VIII Certain observations on the international application

Date of submission of the demand 06/18/2004	Date of completion of this report 10/19/2004
Name and mailing address of the IPEA/ Facsimile No.	Authorized officer Schäfer, A Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP 03/13265

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ the international application as originally filed/furnished
- ☒ the description:
pages 1-16 _____ as originally filed/furnished
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____
- ☒ the claims:
pages _____ as originally filed/furnished
pages* _____ as amended (together with any statement) under Article 19
pages* 1-11 received by this Authority on 10/02/2004
pages* _____ received by this Authority on _____
- ☒ the drawings:
pages 1/1 _____ as originally filed/furnished
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International Application No.

PCT/EP 03/13265

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-11</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>1-11</u>	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	<u>1-11</u>	YES
	Claims	_____	NO

2. Citations and explanations (Rule 70.7)

See Supplementary Pages

1 Claim 1

The formulation in Claim 1

- (a) the sliding bearing (5) being situated in a tooth-free region on the rack such that a n d moved along by the rack (2) a contact with the pinion (3) excluded

is not clear in the sense of Article 6 PCT.

On the one hand, the word "and" cannot be integrated grammatically without changing the sentence structure, while on the other hand a statement that the contact of sliding bearing and pinion is excluded is missing.

Claim 1 could be clarified by the following formulation, which replaces formulation (a):

- (A) the sliding bearing (5) being situated in a tooth-free region on the rack (2) and being moved along by the rack (2) excludes a contact with the pinion (3).

The subsequent positive assessment of the novelty and inventive activity is based on a clarified Claim 1 having the formulation (A). Furthermore, this opinion is valid subject to the content of DE 694 12 701 T2 cited in the specification which is not accessible to the EPA.

The distinguishing features mentioned in the characterization of Claim 1 with respect to the most proximate related art according to DE-A-100 49 570 are not

Examination Report Supplementary Pages

previously known from the related art at hand and result in a better stressing of the rack.

In this factual situation it must be assumed that the subject matter of Claim 1 in version (A), see above, is not only novel, but is also based on an inventive activity, provided that DE 694 12 701 does not conflict with this.

Therefore, the subject matter of Claim 1 fulfills the requirements of Article 33 (2) and (3) PCT.

2 Claims 2 - 11

Claims 2 through 11 describe embodiments of the subject matter of Claim 1 such that these claims also describe subject matters that are novel and are based on an inventive activity.

3 Description

It is not stated in the specification which of the documents cited in it describes the most proximate related art, cf. rule 5.1 a) ii), iii) PCT.